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BURNS DOANE SWECKER & MATHIS, LLP
P. O. BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of :
Bruno Mehul et al :
Serial No.: 10/031,403 : PETITION DECISION
Filed: July 24, 2002 :
Attorney Docket No.: 016800-473 :

This is in response to the petition under 37 CFR 1.181, filed February 5, 2004, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on June 5, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed January 23, 2004. Applicants state that a reply was submitted on October 6, 2003, and include an Office date stamped postcard indicating receipt thereof. It appears that the reply was not timely correlated with the file, but was correlated after the Notice of Abandonment was mailed out. A Notice rescinding the Notice of Abandonment should then have been mailed to applicants, but was not. Since then a Notice of Allowance and Issue Fee Due has been mailed to applicants. In view of applicants' timely reply the Notice of Abandonment was withdrawn and the application was restored to pending status prior to the mailing of the Notice of Allowance and Issue Fee Due..

The petition is **GRANTED**.

The Issue Fee remains due within the time period set by the Notice of Allowance and Issue Fee Due.

The petition fee paid of \$130.00 is not required for this petition and will be credited to applicants' Deposit Account No. 02-4800, as directed.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.


Bruce M. Kisliuk
Director, Technology Center 1600